

1 Summary: This ordinance amends portion of Chapter 22, Lake  
2 County Code, regarding the imposition of Transportation Impact  
3 Fees. It incorporates a new impact fee schedule along with  
4 provisions for annual adjustments based on the Producer Price  
5 Index.  
6  
7  
8

9 | ORDINANCE NO. 2007 - \_\_\_\_\_  
10

11 AN ORDINANCE OF THE BOARD OF COUNTY  
12 COMMISSIONERS OF LAKE COUNTY, FLORIDA;  
13 AMENDING CHAPTER 22 OF THE LAKE COUNTY CODE;  
14 MODIFYING THE DEFINITION OF ACTIVE ADULT  
15 COMMUNITY IN 22-4 OF THE CODE; ADOPTING THE  
16 "LAKE COUNTY TRANSPORTATION IMPACT FEE  
17 UPDATE STUDY FINAL REPORT," DATED MAY 14,  
18 2007, PREPARED BY TINDALE-OLIVER AND  
19 ASSOCIATES, INC.; AMENDING SECTION 22-37  
20 ENTITLED IMPOSITION FOR THE PURPOSES OF  
21 ADOPTING A NEW TRANSPORTATION FEE SCHEDULE;  
22 PROVIDING FOR ANNUAL ADJUSTMENTS TO THE  
23 TRANSPORTATION IMPACT FEE BASED ON THE  
24 PRODUCER PRICE INDEX; CORRECTING REFERENCES  
25 IN CHAPTER 22 OF THE CODE; REVISING THE  
26 GEOGRAPHICAL BOUNDARIES OF THE IMPACT FEE  
27 DISTRICTS PROVIDED IN SECTION 22-42, LAKE  
28 COUNTY CODE; PROVIDING A SEVERANCE  
29 CLAUSE; PROVIDING FOR INCLUSION IN THE CODE;  
30 AND PROVIDING FOR AN EFFECTIVE DATE  
31

32 WHEREAS, Chapter 22 of the Lake County Code includes  
33 provisions adopting a transportation impact fee, and  
34

35 WHEREAS, the Board of County Commissioners engaged the  
36 professional engineering firm of Tindale-Oliver and Associates,  
37 Inc. to conduct a study to determine if the fee schedule in the  
38 current Transportation Impact fee code needed to be updated, and  
39

40 WHEREAS, the Tindale-Oliver study indicated a need to  
41 increase the amount of the Transportation Impact fees based on  
42 increases in the cost of acquisition of right of way and  
43 increased construction costs, among other matters, and  
44

45 WHEREAS, the Tindale-Oliver study was presented to the  
46 Impact Fee Committee which recommended the implementation of the  
47 new fees over a three year period, and  
48

1       **WHEREAS**, the Tindale-Oliver study was presented to the Lake-  
2 Sumter MPO which approved the study, and  
3

4       **WHEREAS**, the Board of County Commissioners of Lake County,  
5 Florida has reviewed the study and by the approval of this  
6 ordinance approves its recommendations.  
7

8       **NOW THEREFORE** be it ordained by the Board of County  
9 Commissioners of Lake County, Florida, as follows:  
10

11 **Section 1.** The definition of *Active adult community* contained in  
12 Section 22-4 of the Lake County Code is hereby amended to read as  
13 follows:  
14

15  
16 **Sec. 22-4. Definitions.**  
17

- 18  
19       (2) Active adult community is defined as a community which  
20 meets the definition of *Housing for older persons*  
21 contained in this Code, which has been approved by the  
22 County Attorney to be exempt from educational system  
23 impact fees pursuant to s. 22-14 (8), and which  
24 contains on-site facilities and services specifically  
25 designed to meet the physical or social needs of its  
26 residents, such as Pools, Spas, Tennis Courts,  
27 Basketball Courts, Golf Courses, Horseshoe Areas, Bachi  
28 Courts, Community Center, Banquet Halls, Health Gyms,  
29 Clubhouses and/or other sports or activities for use by  
30 the residents, including at least 1,000 square feet of  
31 building space per 100 dwelling units. If a community  
32 ceases to contain at least two (2) or more of such  
33 facilities or services, and a minimum of at least 1,000  
34 square feet of building space for residents per 100  
35 dwelling units, the applicable transportation impact  
36 fee in effect at the time of the change in  
37 circumstances shall be due and payable for all such  
38 residential units located within the subdivision,  
39 mobile home or manufactured housing park, or multi-  
40 family structure. To be recognized as being within the  
41 active adult transportation impact fee category, the  
42 property must meet the above described qualifications  
43

44 +

- 45  
46 ~~\_\_\_\_\_ a. A deed restricted community with site built~~  
47 ~~single-family detached homes; and~~  
48

b. ~~That either (i) specifically limits occupancy of the homes to persons over the age of fifty (50), or (ii) limits occupancy to at least eighty (80) percent over the age of fifty (50), and not more than twenty (20) percent between the ages of eighteen (18) and fifty (50), or (iii) requires at least one (1) resident to be over the age of fifty (50); and~~

c. ~~Specifically markets itself as an "active adult community"; and~~

d. ~~Includes such amenities as clubhouses, golf courses, tennis courts, and/or other sports or activity facilities for use by the residents.~~

**Section 2.** Section 22-36 titled *Short title, authority* of the Lake County Code is amended to read as follows:

**Sec. 22-36. Short title, authority.**

- (1) This article shall be known and may be cited as the "Transportation Impact Fee Ordinance."
- (2) Chapter 336, Florida Statutes, vests the board of county commissioners with general supervision and control of all county roads and road facilities within Lake County which comprise the county road system as defined in Chapter 334, Florida Statutes, including county roads within municipalities.
- (3) The board of county commissioners hereby adopts the "Lake County Transportation Impact Fee Update Study Final Report," dated ~~December 2001~~ May 14, 2007, prepared by Tindale-Oliver and Associates, Inc.

**Section 3.** Section 22-37 of the Lake County Code, titled *Imposition* is amended to read as follows:

**Sec. 22-37. Imposition.**

- (1) Transportation impact fees shall be determined as follows:

<u>ITE</u> <u>LUC</u>	<u>Land Use</u>	<u>Unit</u>	<u>Net</u> <u>Impact</u> <u>Fee</u>
<b>RESIDENTIAL:</b>			

§10	Single Family (Detached)	-	-
	less than 1,500 s.f. and SHIP defined very low income	du	\$4,613
	less than 1,500 and SHIP defined low income	du	\$6,716
	Single Family/Mobile Home	du	\$11,396
§20	Apartments/Multi-Family	du	\$5,229
§40	Mobile Home Park	du	\$3,300
N/A	Active Adult Community	du	\$4,073
§52	ALF	du	\$1,187
<b>LODGING:</b>			
§10	Hotel	room	\$7,173
§20	Motel	room	\$3,813
§16	Campground/RV Park	site	\$2,702
<b>RECREATION:</b>			
§12	General Recreation	acre	\$1,914
§20	Marina	berth	\$3,270
§30	Golf Course	hole	\$32,468
§37	Bowling Alley	1,000 sf	\$31,633
§35	Multi-Purpose Recreational Facility	acre	\$82,113
§91	Racquet/Tennis Club	1,000 sf	\$13,310
§92	Health Club/Dance Studio	1,000 sf	\$31,252
§95	Community Recreation Center	1,000 sf	\$19,226
<b>INSTITUTIONS:</b>			
§20	Elementary School (Private)	student	\$1,114
§22	Middle School (Private)	student	\$1,580
§30	High School (Private)	student	\$1,673
§40	University/Junior College (7,500 or fewer students) (Private)	student	\$2,396
§50	University/Junior College ( more than 7,500 students) (Private)	student	\$1,804
§60	Church	1,000 sf	\$6,561
§65	Day Care	1,000 sf	\$22,090

§90	Library	1,000 sf	\$22,169
§10	Hospital	1,000 sf	\$12,641
§20	Nursing Home	bed	\$1,165
§30	Government Office Building - Municipal	1,000 sf	\$23,138
§33	Government Office Building - County	1,000 sf	\$52,317
N/A	Fire Station	1,000 sf	\$18,552
<b>OFFICE:</b>			
§10	Office 50,000 sf or less <sup>(1)</sup>	1,000 sf	\$15,431
§10	Office 50,001-100,000 sf <sup>(2)</sup>	1,000 sf	\$14,050
§10	Office 100,001-200,000 sf <sup>(2)</sup>	1,000 sf	\$11,980
§10	Office 200,001-400,000 sf <sup>(2)</sup>	1,000 sf	\$10,213
§10	Office greater than 400,000 sf <sup>(2)</sup>	1,000 sf	\$8,704
§15	Single Tenant Office Building	1,000 sf	\$15,202
§60	Research Center	1,000 sf	\$7,416
§20	Medical Office/Clinic	1,000 sf	\$36,282
§70	Business Park	1,000 sf	\$12,836
<b>GENERAL COMMERCIAL:</b>			
§20	Retail 50,000 sf or less <sup>(1)</sup>	1,000 sf	\$19,133
§20	Retail 50,001-200,000 sf <sup>(2)</sup>	1,000 sf	\$19,894
§20	Retail 200,001-400,000 sf <sup>(2)</sup>	1,000 sf	\$17,235
§20	Retail greater than 400,000 sf <sup>(2)</sup>	1,000 sf	\$16,391
<b>RETAIL / SERVICES:</b>			
§44	Movie Theaters	screen	\$41,558
§12	Building Materials and Lumber	1,000 sf	\$43,769
§13	Free-Standing Discount Superstore (greater than 120,000 sf)	1,000 sf	\$16,149
§15	Free-Standing Discount Store (less than or equal to 120,000 sf)	1,000 sf	\$18,151
§16	Hardware/Paint Store	1,000 sf	\$48,652
§17	Retail (Stand-Alone) Nursery/Garden Center	acre	\$89,762
§41	New/Used Auto Sales	1,000 sf	\$25,167

§50	Supermarket	1,000 sf	\$24,486
§53	Convenience Store with Gas Pumps	1,000 sf	\$64,501
§62	Home Improvement Superstore	1,000 sf	\$12,167
§81	Pharmacy/Drug Store w/ Drive-Thru	1,000 sf	\$13,285
§90	Furniture Store	1,000 sf	\$3,446
§12	Bank/Savings Drive-in	1,000 sf	\$65,620
§31	Quality Restaurant	1,000 sf	\$44,181
§32	High-Turnover Restaurant	1,000 sf	\$58,516
§34	Fast Food Rest w/ Drive-Thru	1,000 sf	\$147,231
§36	Bar / Lounge / Drinking Place	1,000 sf	\$49,919
§41	Quick Lube	service bay	\$19,415
§42	Auto Repair or Body Shop	1,000 sf	\$18,103
§44	Gas/Service Station	fuel pos	\$14,767
§47	Self-Service Car Wash	service bay	\$32,995
N/A	Conv'ce/Gasoline/Fast Food Store	1,000 sf	\$166,238
N/A	Stand-Alone Meeting Facility w/Catering	1,000 sf	\$16,487
N/A	Veterinarian Clinic	1,000 sf	\$9,226
<b>INDUSTRY:</b>			
§110	General Light Industrial	1,000 sf	\$11,137
§120	General Heavy Industrial	1,000 sf	\$2,397
§140	Manufacturing	1,000 sf	\$6,107
§150	Warehouse	1,000 sf	\$7,931
§151	Mini-Warehouse	1,000 sf	\$1,540
§152	High Cube Warehouse	1,000 sf	\$2,740
§170	Utilities Building	1,000 sf	\$12,788
N/A	Airport Hanger	1,000 sf	\$7,931

- (1) The trip generation rate recommended for the office and retail less than 50,000 sf categories used the end-point of 50,000.
- (2) The trip generation rate recommended for all other office and retail tiered categories used the mid-point of each tier of the respective category.

(2) The amounts shown in the fee schedule in subsection (1) above shall be increased or decreased each year on October 1 beginning October 1, 2008 based on the percentage change of the Producer Price Index (PPI) for Highway and Street Construction for the twelve month period ending on April 1 of the year of adjustment.

**Lake County Transportation Impact Fee Schedule**

Land Use Code	Land Use	Unit	Rate
	<b>Residential:</b>		
210	Single-family/Mobile Home (On Single family Lot) Less than 1500 sf* living space	Du*	\$1,642.00
210	Single-family/Mobile Home (On Single family Lot) 1,501 sf to 2,500 sf living space	Du	\$2,189.00
210	Single-family/Mobile Home (On Single family Lot) Greater than 2,500 sf living space	du	\$2,583.00
N/A	Active Adult (Deed Restricted)	du	\$1,153.00
221	Multi-Family (1 or 2 Stories)	du	\$1,408.00
222	Multi-Family (3 & more Stories)	du	\$898.00

240	Mobile Home Park (Mobile Homes clustered in a Park)	du	\$859.00
252	ACLF	du	\$309.00
	<b>Lodging:</b>		
310	Hotel	Room	\$1,446.00
320	Motel/Bed and Breakfast	Room	\$774.00
416	Campground/RV Park	Space	\$536.00
	<b>Recreational:</b>		
412	General Recreation/Cou nty Park	Acre	\$388.00
420	Marina	Slip	\$668.00
430	Golf Course	Hole	\$6,594.00
473	Amusement & Recreation Services	1,000 sf	\$25,880.00
492	Racquet Club/Health Spa	1,000 sf	\$3,303.00
494	Bowling Center	1,000 sf	\$6,286.00
N/A	Dance Studio	1,000 sf	\$3,303.00
495	Community Recreation Center	1,000 sf	\$3,895.00
N/A	Horse Training	Acre	\$964.00

	<b>Institutional:</b>		
520	School (Elementary)	Student	\$180.00
522	Middle School	Student	\$287.00
530	School (High)	Student	\$355.00
550	School (College)	Student	\$552.00
540	Junior College	Student	\$357.00
560	Church/Religio us Organization	1,000 sf	\$1,322.00
565	Day Care Center	1,000 sf	\$4,507.00
566	Cemetery	Acre	\$1,073.00
590	Library	1,000 sf	\$4,265.00
610	Hospital	1,000 sf	\$2,444.00
620	Nursing Home	Bed	\$242.00
730	Government Office Building Municipal	1,000 sf	\$4,304.00
733	Government Office Building County	1,000 sf	\$8,711.00
N/A	Fire Station	1,000 sf	\$2,494.00
	<b>Office:</b>		
710	Office under 10,000 CSF	1,000 sf	\$4,452.00

710	Office 10,001 GSF to 30,000 GSF	1,000 sf	\$3,790.00
710	Office 30,001 GSF to 100,000 GSF	1,000 sf	\$2,883.00
710	Office 100,001 GSF to 400,000 GSF	1,000 sf	\$2,110.00
710	Office greater than 400,000 GSF	1,000 sf	\$1,722.00
715	Single Tenant Office Building	1,000 sf	\$2,275.00
720	Medical Office	1,000 sf	\$6,717.00
750	Office Park	1,000 sf	\$2,123.00
760	Research Center	1,000 sf	\$1,508.00
770	Business Park	1,000 sf	\$2,373.00
	<b>General Commercial:</b>		
820	Under 50,000 GSF	1,000 sf	\$2,816.00
820	50,000 to 200,000 GSF	1,000 sf	\$2,177.00
820	200,001 to 600,000 GSF	1,000 sf	\$2,171.00
820	Greater than 600,000 GSF	1,000 sf	\$2,385.00
	<b>Retail/Service s:</b>		
444	Movie Theater w/Matinee	Screen	\$11,552.00
812	Building Materials and Lumber Store	1,000 sf	\$5,930.00

813	Discount Superstore (greater than 120,000 sf)	1,000 sf	\$2,969.00
814	Specialty Retail	1,000 sf	\$3,553.00
815	Discount Superstore (less or equal to 120,000 sf)	1,000 sf	\$3,580.00
816	Hardware/Paint Store	1,000 sf	\$9,939.00
818	Wholesale Nursery	Acre	\$858.00
831	Quality Restaurant	1,000 sf	\$8,731.00
832	High Turnover Restaurant	1,000 sf	\$11,422.00
834	Fast Food Restaurant/W drive Thru	1,000 sf	\$17,706.00
836	Bar/Lounge/Drinking Place	1,000 sf	\$11,422.00
837	Quick Lube	Bay	\$3,884.00
840	Auto Repair	1,000 sf	\$4,010.00
841	New and Used Auto Sales	1,000 sf	\$5,742.00
844	Service Station	Fuel Position	\$2,080.00
847	Car Wash	1,000 sf	\$5,973.00
850	Supermarket	1,000 sf	\$4,952.00
853	Convenience Market w/gas	1,000 sf	\$14,834.00
881	Pharmacy/Drugstore	1,000 sf	\$3,915.00

890	Furniture Store	1,000 sf	\$704.00
911	Bank	1,000 sf	\$8,202.00
912	Bank w/Drive Thru	1,000 sf	\$12,207.00
N/A	Convenience Mkt. w/gas, fast food and car wash	1,000 sf	\$32,865.00
N/A	Stand Alone Meeting Facility w/Catering	1,000 sf	\$3,368.00
N/A	Veterinary Clinic	1,000 sf	\$1,788.00
	<b>Industrial:</b>		
110	General Light Industrial	1,000 sf	\$2,157.00
120	General Heavy Industrial	1,000 sf	\$464.00
130	Industrial Park	1,000 sf	\$2,084.00
140	Manufacturing	1,000 sf	\$1,182.00
150	Warehouse	1,000 sf	\$1,535.00
151	Mini Warehouse	1,000 sf	\$290.00
152	High Cube Warehouse (4)	1,000 sf	\$535.00
N/A	Airport Hanger	1,000 sf	\$1,535.00
170	Utilities Building	1,000 sf	\$1,684.00
	<b>Notes:</b>		

	<del>N/A -- Does not have an ITE Land Use Code</del>		
	<del>Source</del> <del>Tindale-Oliver and Associates,</del> <del>Updated as of October 2003</del>		

~~sf -- square foot~~

~~du -- dwelling unit~~

**Section 4.** Section 22-38 of the Lake County Code, titled *Alternative transportation impact fee* is hereby amended to read as follows:

**Sec. 22-38. Alternative transportation impact fee.**

(1) In the event that the determination of a transportation impact fee is required for a land use not contained in section 22-37, the following procedure shall be followed. The determination of an alternative transportation impact fee shall be the responsibility of a county-designated planning, zoning or land use professional and supportable by documentation.

a. The two-digit Standard Industrial Classification (SIC) Code, or two-digit Department of Revenue (DOR) Land Use Code, into which the land use falls is to be determined.

b. The two-digit SIC Code, or two-digit DOR Land Use Code shall be cross-referenced to an appropriate Institute of Transportation Engineers (ITE) Land Use Code in order to derive an appropriate trip generation rate.

c. At the discretion of the county's designated agent, information provided by the person seeking to develop land may be used in determining the appropriate trip generation rate.

d. Once a trip generation rate has been determined for a land use not contained within the "Fee Schedule," located in subsection (1), that rate shall be considered precedence for future assessment of similar land uses.

1  
2 e. The person seeking to develop land shall either pay the  
3 transportation impact fee determined by the county  
4 agent authorized to make the trip generation  
5 determination, or prepare a traffic study in accordance  
6 with the methodology contained in this article.  
7

8 (2) If a building or development permit is requested for mixed  
9 uses, then the transportation impact fee shall be determined  
10 by using the above fee schedule, and apportioning the space  
11 committed according to the building or development permit to  
12 uses specified on the fee schedule. However, any secondary  
13 use which takes up less than twenty-five (25) percent of the  
14 square footage of the primary use will be considered an  
15 incidental use, not a mixed use, when such use is necessary  
16 to carry out the primary use, i.e., office space needed to  
17 operate warehouse.  
18

19 (3) In the case of a change of use, redevelopment, or  
20 modification of an existing use on-site which requires the  
21 issuance of a building permit or development permit, the  
22 transportation impact fee shall be based upon the net  
23 increase in vehicular traffic generated by the new use as  
24 compared to the most intense previous use since February 19,  
25 1985. The county manager or a designee shall be guided in  
26 this determination by using the most recent edition of the  
27 ITE Trip Generation Manual, and the most recent edition of  
28 the SIC Manual.  
29

30 (4) If the person seeking to develop land challenges the  
31 transportation impact fee as determined according to the  
32 section 22-37, the person shall prepare and submit a traffic  
33 study and independent impact fee calculation for the  
34 development activity for which a building permit or  
35 development order is sought in accordance with the  
36 procedures set forth below. The independent fee calculation  
37 shall employ the methodology contained in the  
38 "Transportation Impact Fee Update Study," dated May 30~~14~~,  
39 ~~2001~~2007, prepared by Tindale-Oliver and Associates, Inc.  
40 and be calculated at the same rate and on the same basis as  
41 the rates set forth in the fee schedule.  
42

43 (5) The traffic study shall document the basis upon which the  
44 independent fee calculation was made and be in accordance  
45 with the methodology described above. The county manager or  
46 designee shall consider the documentation submitted;  
47 however, the county manager or designee is not required to  
48 accept such documentation if it is deemed to be inaccurate  
49 or not reliable. The county manager or designee may require  
50 the submission of additional and distinct documentation for

1 consideration. If an acceptable independent impact fee  
2 calculation is not presented, the county manager or designee  
3 shall require payment in accordance with the fee schedule  
4 located in ~~subsection (1)~~ Section 22-37. If an acceptable  
5 independent impact fee calculation is presented, the county  
6 manager or designee may adjust the impact fee, as  
7 appropriate to a specific building permit or development  
8 order.

9  
10 (6) The following procedures shall be used to prepare the  
11 alternative transportation impact fee study:

12  
13 a. *Pre application conference.* Feepayers are encouraged to  
14 schedule a meeting with the public works department  
15 before proceeding with a study. At such a meeting, the  
16 basic requirements of a study can be discussed.

17  
18 b. *Application, study methodology, and initial approval.*  
19 The following materials shall be submitted and approved  
20 prior to the study being conducted. Submitted materials  
21 will be reviewed and every effort will be made to  
22 approve, approve with conditions, or deny the study  
23 methodology within ten (10) working days of the date  
24 submitted.

25  
26 1. An application form indicating the name, address  
27 and telephone number of the feepayer and the name,  
28 address and telephone number of any agent for the  
29 feepayer, a legal description of the property  
30 involved and a description of the development  
31 activity proposed.

32  
33 2. If the feepayer proposes relying on the results of  
34 any previous studies, such as studies originally  
35 submitted as part of the zoning approval process,  
36 copies of those reports should be provided. Such  
37 studies must meet the requirements of this  
38 procedure in order to be relied upon.

39  
40 3. The feepayer shall, in accordance with the  
41 following guidelines, provide the study  
42 methodology that is proposed to be used for the  
43 study.

44  
45 i. The proposed methodology shall identify a  
46 minimum of three (3) comparable sites to be  
47 studied. Such sites shall be located within  
48 Lake County unless sites are not available in  
49 Lake County. The site descriptions should  
50 include the specific location, the character

1 of the location (Central Business District,  
2 urban, suburban, or rural), and the land  
3 use(s) at the location. An explanation of why  
4 the proposed sites are similar to the  
5 proposed new development should be included.  
6 The explanation should address pertinent  
7 characteristics, such as land use, adjacent  
8 area, and demographics. A map should be  
9 included showing the location of the proposed  
10 new development and the proposed study sites.  
11

12 ii. The proposed methodology shall discuss the  
13 proposed data elements of the study. These  
14 shall include trip generation rate, trip  
15 length and percent new trips, and any other  
16 applicable data elements that may be  
17 necessary.  
18

19 iii. The trip generation rate should normally be  
20 determined by machine counts. The proposed  
21 methodology should provide documentation  
22 depicting the proposed machine counter sites  
23 and locations within the site as well as the  
24 type of equipment, hose/loop detector  
25 configurations, and the proposed dates of  
26 counting.  
27

28 iv. The machine counters should normally be  
29 placed at project driveways, for a minimum of  
30 seven (7) consecutive days of twenty-four-  
31 hour machine counting, on days representative  
32 of typical traffic patterns at that site (not  
33 during a holiday, for example).  
34

35 v. The data to be collected should include:

36 a) Date and time counts,  
37

38 b) A summary of counts by fifteen-minute  
39 increments (entering, exiting and  
40 total),  
41

42 c) Average daily volume, and  
43

44 d) Volume during the a.m. and p.m. peak  
45 hours of the adjacent street.  
46

47 vi. The study methodology should show that the  
48 correct operation of the machine counters  
49 will be verified by manually observing their  
50

proper data recording for at least fifteen (15) minutes on at least four (4) occasions. Two (2) of the four (4) occasions can be verifications performed at the start and finish of the counting period. This manual verification should be documented in the study report.

4. The trip length and percent new trips will normally be determined by an origin/destination survey, consisting of motorist surveys. The proposed study methodology should provide the proposed location of interviewers, interview forms, and dates and times of day for conducting interviews. The origin/destination survey will collect the following information:

- i. Date of interview,
- ii. Location of the interview,
- iii. Name of the interviewer,
- iv. Time of day of the interview,
- v. Origin of the interviewee's trip,
- vi. \_\_\_\_\_ vi. Destination of the interviewee's trip, and
- vii. Trip purpose.

5. The place of origin or destination should be identified as accurately as possible. The origin and destination should be determined with one (1) of the following methods:

- i. The specific name of the place (mall, town, bank, supermarket, subdivision, school, etc.),
- ii. The address of the place,
- iii. The intersection nearest to the place, and
- iv. The major intersection nearest to the place.

The most preferred method to the least preferred method is indicated by the order listed above.

6. The proposed methodology should include a copy of the interview form to record the interview responses which are proposed to be used. Copies of the completed interview forms should be included in the study report.
7. It is not acceptable to collect trip length as estimated and reported by the interviewee. The proper method to determine a trip length is to use a scaled map to measure the shortest route between the site and the reported places of origin and destination, or to measure the distance directly using a vehicle odometer.
8. Acceptable procedures to determine if a trip is classified as primary, secondary, diverted, or captured, and to compute the assessable trip length are described in "Measuring Travel Characteristics for Transportation Impact Fees" W.E. Oliver, (ITE Journal, April 1991). Another acceptable procedure is in the most recent Florida Department of Transportation-site Impact Handbook.
9. Also included in the study report should be the following:
  - i. The number of observations (useable interview responses),
  - ii. The mean trip length, rounded off to 0.1 mile, and
  - iii. The percent new trips.
10. In determining a reasonable estimate of the trip length and percent new trips the proposed methodology must propose surveys to be performed for a minimum of three (3) sites for three (3) days. These surveys will be conducted for nine (9) hours each day. The specific time period to be covered should be governed by the type of land being surveyed and the typical daily operations of the specific land use. The total survey hours should be approximately eighty-one (81) hours ( $3 \times 3 \times 9 = 81$ ).
11. The study report should be submitted in the following format:
  - i. Table of contents,

1  
2 ii. Letter of transmittal,

3  
4 iii. Findings of the report:

- 5  
6       ▪ Trip generation rate  
7       ▪ Trip length and percent new trips,  
8

9 iv. Impact fee calculations, and appendices:

- 10  
11       ▪ Trip generation rate summary  
12  
13       ▪ Trip length worksheet  
14  
15       ▪ Percent new trips worksheet  
16  
17       ▪ Trip generation data  
18  
19       ▪ Interview forms  
20

21 12. The proposed study shall include a completed  
22 impact fee work sheet in the format provided by  
23 the county manager or designee.  
24

25 13. After submittal of the proposed methodology, the  
26 county manager or designee will either approve the  
27 proposed study methodology or request additional  
28 information or changes to the proposed  
29 methodology.  
30

31 c. Upon approval of the study methodology, the feepayer  
32 may proceed with the study. Upon completion, three (3)  
33 copies shall be submitted to the county manager or  
34 designee. A review fee specified in the board of county  
35 commissioners fee resolution shall be submitted with  
36 the study.  
37

38 d. County review will be made within thirty (30) days and  
39 a written decision will be rendered approving or  
40 disapproving of the study and specifying the applicable  
41 fee, if necessary.  
42

43 e. If a property owner desires to obtain a building permit  
44 prior to the time the protest is completed he/she shall  
45 pay the challenged impact fee at the time of issuance  
46 of the building permit. If the county approves the  
47 traffic study referenced above and the study  
48 establishes a lower fee the owner shall be entitled to  
49 a refund representing the difference between that paid

1 and the new established fee. The traffic study  
2 described herein shall be completed in a time frame  
3 agreed upon in writing by the owner and the county  
4 manager at the time of fee payment.  
5

6 **Section 5.** Section 22-39 of the Lake County Code, titled  
7 *Dedication of Land and impact fee credits* is amended to read as  
8 follows:  
9

10 | **Sec. 22-39. Dedication of land, Construction of Improvements and**  
11 **impact fee credits.**  
12

13 (1) In lieu of all or part of the transportation impact fee, the  
14 county manager or a designee, may enter into a developer's  
15 agreement with a person seeking to develop land to allow  
16 such person to construct part of a road improvement project  
17 shown in the Lake County Comprehensive Plan, or to construct  
18 off-site road improvements determined necessary as a result  
19 of the development of the property or to donate land or  
20 right of way for a project shown in the Lake County  
21 Comprehensive Plan so long as the project or improvement is  
22 within the road benefit district in which the funds were  
23 collected. The person seeking to enter into the developer's  
24 agreement shall submit a construction cost estimate  
25 certified by an engineer registered pursuant to Chapter 471,  
26 Florida Statutes, to the county manager or designee. If  
27 acceptable, the county manager or designee shall agree to  
28 credit the cost of construction of the improvements towards  
29 the transportation impact fee chargeable to the proposed  
30 development. If right-of-way dedicated is to be included in  
31 the credit, the person shall provide to the county manager  
32 or designee an MAI appraisal indicating the fair market  
33 value of the property to be dedicated; provided, however,  
34 that if the parcel is valued by the property appraiser at  
35 \$15,000.00 or less, the property appraiser's assessed value  
36 may be used to determine the square footage value of the  
37 right-of-way. The county manager or designee may  
38 additionally determine the value of the right-of-way by  
39 using the square footage value as determined from an  
40 appraisal of a similarly situated parcel so long as such  
41 appraisal was completed upon request of the county and is no  
42 older than one (1) year. If the county manager or designee  
43 elects to use an appraisal of a similarly situated parcel,  
44 the county manager or designee shall make a determination  
45 that such the economic conditions at the time of the  
46 appraisal have not changed significantly so as to invalidate  
47 such appraisal. The developer's agreement shall be approved  
48 by the board of county commissioners and shall set forth all  
49 other applicable requirements and conditions of performance.  
50

(2) In the event the impact fee credits for construction shall exceed the impact fees chargeable to a particular development, the county manager or designee may agree to compensate the person seeking to develop land with cash, impact fee credit or a combination thereof, as set forth in the developer's agreement. If the person seeking to develop elects cash reimbursement, the person shall be required to competitively bid the construction project and/or professional services. Professional services shall be bid in accordance with section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act, and construction services shall be bid in accordance with the county's standard competitive bidding procedures and any other applicable Florida Statutes. A construction cost estimate and/ or right-of-way appraisal shall be provided in the same manner as subsection (1) above. The developer's agreement shall be approved by the board of county commissioners and shall set forth all other applicable requirements and conditions.

**Section 6.** Section 22-40 of the Lake County Code, titled *Transfer of impact fee credits* is hereby amended to read as follows:

**Sec. 22-40. Transfer of impact fee credits.**

The transfer of impact fee credits shall be permitted on a project-by-project basis subject to the following:

(1) A request to permit the transfer of impact fee credits, if any, shall be submitted simultaneously with the property owner's request to construct road improvements in accordance with section 22-~~38~~39 above. All requests to permit the transfer of impact fees credits shall be approved by the board of county commissioners. Untimely requests shall not be considered, nor shall the board of county commissioners consider a request to transfer any impact fee credits distributed by the county to any owner of record prior to the effective date of this subsection, unless the project was specifically approved at the time of submittal to allow the future transfer of such credits.

(2) The county manager or designee shall establish an account in the name of the owner of record and credit to the account the amount of impact fee credits due and owing as certified by the county manager or designee. In the event the owner of record desires to transfer any portion of the impact fee credits to another party, and the board of county commissioners has previously

1 approved the transfer of credits for the project, the  
2 owner of record shall submit a notarized affidavit to  
3 the county manager or designee indicating to whom the  
4 credits are to be transferred. Upon receipt of the  
5 notarized affidavit, the impact fee credits shall be  
6 transferred to a similar account established for the  
7 transferee.  
8

9 (3) The transfer shall become effective upon confirmation  
10 by the county manager or designee that the credits have  
11 been:

12  
13 a. Duly distributed to the transferor;

14  
15 b. Approved by the board of county commissioners for  
16 transferring; and

17  
18 c. Are being transferred within the same  
19 transportation benefit district.  
20

21 The county manager or designee shall notify the  
22 transferee when the credits are available to the  
23 transferee.  
24

25 (4) In no event shall any impact fee credit be transferred  
26 outside of the transportation benefit district in which  
27 the original project was completed. Any transfer of  
28 impact fee credit sheet attempting to transfer such  
29 credits outside of the transportation benefit district  
30 shall be immediately voided by the county manager or  
31 designee.  
32

33 (5) In no event shall the transferee be entitled to further  
34 transfer those same credits to a second transferee.  
35

36 (6) All other provisions, policies and procedures that are  
37 applicable to the payment of impact fees, or to impact  
38 fee credits shall be applicable to the transfer of  
39 impact fee credits.  
40

41 (7) A schedule of fees may be established by resolution of  
42 the board of county commissioners in order to cover the  
43 costs of the administrative activities required  
44 pursuant to this section.  
45

46 **Section 7.** Section 22-42 of the Lake County Code, titled  
47 *Transportation benefit districts* is hereby amended to read as  
48 follows:  
49

50 **Sec. 22-42. Transportation benefit districts.**

The following transportation benefit districts are established:

~~(1) Transportation Benefit District 1. Begin at C 42 and the Lake County line in Section 31, Township 17 South, Range 27 East, Lake County, Florida; run easterly along C 42 to C 439; thence run southerly along C 439 to C 44A; thence run easterly along C 44A to SR 44; thence run southwesterly along SR 44 to C 46A; thence run southeasterly along C 46A to SR 46; thence run easterly along SR 46 to the Lake County line in Section 21, Township 19 South, Range 29 East; thence run northeasterly, northerly, northwesterly, and southerly along the Lake County line to the aforementioned C 42 being the end of this description.~~

~~(2) Transportation Benefit District 2. Beginning at C 561 and C 455 in Section 8, Township 21 South, Range 26 East, Lake County, Florida; run west along C 455 to 3-2739 North Buckhill Road; thence run northerly along 3-2739 North Buckhill Road to a point on the north line of Section 1, Township 21 South, Range 25 East; thence run east to the theoretical northeast corner of said Section 1; thence run north to the theoretical northeast corner of Section 13, Township 20 South, Range 25 East; thence run thence run west to the theoretical southeast corner of Section 14, Township 20 South, Range 25 East; thence run northwest to the theoretical northwest corner of said Section 14; thence run north to a point lying east of the mouth of Dead River and Lake Harris; thence run east to the mouth of said Dead River; thence run northeasterly along Dead River to Lake Eustis; thence run east to the theoretical east line of Section 19, Township 19 South, Range 26 East; thence run north to the northeast corner of Section 6, Township 19 South, Range 26 East; thence run west to C 44; thence run northeasterly along C 44 to 5-6744 Fish Camp Road; thence run north along 5-6744 Fish Camp Road to C 452; thence run northerly along C 452 to the Lake County Line in Section 2, Township 18 South, Range 25 East; thence run east and north along the Lake County line to C 42 in Section 31, Township 17 South, Range 27 East; thence run easterly along C 42 to C 439; thence run southerly along C 439 to C 44A; thence run easterly along C 44A to SR 44; thence run southwesterly along SR 44 to C 46A; thence run southeasterly along C 46A to SR 46; thence run easterly along SR 46 to the Lake County Line in Section 21, Township 19 South, Range 29 East designated as point "A". Return to point~~

1 of beginning. From said point of beginning run  
2 southeasterly along C 455 to the south line of Section  
3 22, Township 21 South, Range 26 East; thence run east  
4 to the Lake County line; thence run north, east and  
5 northerly along the Lake County line to SR 46 and the  
6 aforementioned point "A" being the end of this  
7 description.  
8

9 ~~(3) Transportation Benefit District 3. Begin at the~~  
10 ~~Oklawaha River and the Lake County line in Section 6,~~  
11 ~~Township 18 South, Range 25 East, Lake County Florida;~~  
12 ~~run southerly along the Oklawaha River to a point on~~  
13 ~~the theoretical west line of Section 17, Township 18~~  
14 ~~South, Range 25 East; thence run south to the~~  
15 ~~theoretical northeast corner of Section 19, Township 19~~  
16 ~~South, Range 25 East; thence run west to the~~  
17 ~~theoretical northwest corner of said Section 19; thence~~  
18 ~~run south to the theoretical southwest corner of~~  
19 ~~Section 31, Township 19 South, Range 25 East; thence~~  
20 ~~run east to the theoretical southwest corner of Section~~  
21 ~~35; thence run north to a point lying west of the mouth~~  
22 ~~of Dead River and Lake Harris; thence run east to the~~  
23 ~~mouth of said Dead River; thence run northeasterly~~  
24 ~~along Dead River to Lake Eustis; thence run east to the~~  
25 ~~theoretical east line of Section 19, Township 19 South,~~  
26 ~~Range 26 East; thence run north to the northeast corner~~  
27 ~~of Section 6, Township 19 South, Range 26 East; thence~~  
28 ~~run west to C 44; thence run northeasterly along C 44~~  
29 ~~to 5 6744 Fish Camp Road; thence run north along 5 6744~~  
30 ~~Fish Camp Road to C 452; thence run northwesterly along~~  
31 ~~C 452 to the Lake County line; thence run west along~~  
32 ~~the Lake County line to the aforementioned Oklawaha~~  
33 ~~River being the end of this description.~~  
34

35 ~~Also:~~  
36

37 ~~Begin at C 470 and the Lake County line in Section 7,~~  
38 ~~Township 20 South, Range 24 East, Lake County, Florida~~  
39 ~~run easterly along C 470 to C 33; thence run~~  
40 ~~northeasterly along C 33 to US 27; thence run northerly~~  
41 ~~along US 27 to the north line of Section 2, Township 20~~  
42 ~~South, Range 24 East; thence run East to the~~  
43 ~~theoretical northeast corner of Section 1, Township 20~~  
44 ~~South, Range 24 East designated as Point "A." Return to~~  
45 ~~point of beginning. From said point of beginning run~~  
46 ~~north along the Lake County line to the northwest~~  
47 ~~corner of Section 6, Township 18 South, Range 24 East;~~  
48 ~~thence run east along the Lake County line to the~~  
49 ~~Oklawaha River being in Section 6, Township 18 South,~~  
50 ~~Range 25 East; thence run southerly along the Oklawaha~~

1 River to a point on the theoretical west line of  
2 Section 17, Township 18 South, Range 25 East; thence  
3 run south to the theoretical northeast corner of  
4 Section 19, Township 19 South, Range 25 East; thence  
5 run south to the northeast corner of Section 1,  
6 Township 19 South, Range 25 East; thence run south to  
7 the corner of Section 1, Township 20 South, Range 24  
8 East and the aforementioned point 'A' being the end  
9 of this description.

10  
11 ~~(4) Transportation Benefit District 4. Begin at C 561 and~~  
12 ~~US 27 in Section 36, Township 21 South, Range 25 East,~~  
13 ~~Lake County, Florida; run northerly along C 561 to C~~  
14 ~~455; thence run west along C 455 to 3 2739 North~~  
15 ~~Buckhill Road; thence run northerly along 3 2739 North~~  
16 ~~Buckhill Road to a point on the north line of Section~~  
17 ~~1, Township 21 South, Range 25 East; thence run east to~~  
18 ~~the theoretical northeast corner of said Section 1;~~  
19 ~~thence run north to the theoretical southeast corner of~~  
20 ~~Section 13, Township 20 South, Range 25 East; thence~~  
21 ~~run west to the theoretical southeast corner of Section~~  
22 ~~14, Township 20 South, Range 25 East; thence run~~  
23 ~~northwest to the theoretical northwest corner of said~~  
24 ~~Section 14; thence run north to the theoretical~~  
25 ~~northwest corner of Section 2, Township 20 South, Range~~  
26 ~~25 East designated as point "A". Return to point of~~  
27 ~~beginning. From said point of beginning run~~  
28 ~~northwesterly along US 27 to 2 2713 Bridges Road;~~  
29 ~~thence run westerly along 2 2713 Bridges Road, 2-2607~~  
30 ~~Austin Merritt Road, and 2-2403 Youth Camp Road to the~~  
31 ~~Lake County line; thence run north along the Lake~~  
32 ~~County Line to C 470; thence run easterly along C 470~~  
33 ~~to C 33; thence run northeasterly along C 33 to US 27;~~  
34 ~~thence run northerly along US 27 to the north line of~~  
35 ~~Section 2, Township 20 South, Range 24 East; thence run~~  
36 ~~east to the theoretical northwest corner of Section 2,~~  
37 ~~Township 20 South, Range 24 East, and the~~  
38 ~~aforementioned point "A" being the end of this~~  
39 ~~description.~~  
40

41 ~~(5) Transportation Benefit District 5. Begin at SR 33 and~~  
42 ~~the Lake County line in Section 28, Township 24 South,~~  
43 ~~Range 25 East, Lake County, Florida; run northerly~~  
44 ~~along SR 33 to C 565B; thence run easterly along C 565B~~  
45 ~~to C 561; thence run northerly along C 561 to C 561A;~~  
46 ~~thence run northwesterly, northeasterly along C 561A to~~  
47 ~~US 27; thence run northerly along US 27 to C 561;~~  
48 ~~thence run northerly along C 561 to C 455; thence run~~  
49 ~~southeasterly along C 455 to the south line of Section~~  
50 ~~22, Township 21 South, Range 26 East; thence run east~~

to the Lake County line, thence run southerly, west, north, and west along the Lake County line to the aforementioned SR 33 being the end of this description.

~~(6) Transportation Benefit District 6. Begin at SR 33 and the Lake County line in Section 28, Township 24 South, Range 25 East, Lake County, Florida; run northerly along SR 33 to C 565B; thence run easterly along C 565B to C 561; thence run northerly along C 561 to C 561A; thence run northwesterly, northeasterly along C 561A to US 27; thence run northwesterly along US 27 to 2-2713 Bridges Road; thence run westerly along 2-2713 Bridges Road, 2-2607 Austin-Merritt Road, and 2-2403 Youth Camp Road to the Lake County line; thence run south, east, north and east along the Lake County line to the aforementioned SR 33 being the end of this description.~~

(1) Transportation Benefit District "A". All property located within the following: Township 22S, Township 23S; Township 24S; Sections 8-36 of Township 21 S, Range 24 E; Sections 7 and 13-36 of Township 21S, Range 25E; and Sections 13-36 of Township 21S, Range 26E; all lying within Lake County, Florida.

(2) Transportation Benefit District "B". All property located within the following: Range 27E less any part in Township 22S, Range 28E; Range 29E; Range 26E less any part in sections 6,7,18,19,30, and 31, Township 18S and less any part in sections 6, 7, and 18 Township 19S; Sections 25, 35 and 36, Township 19S, Range 25E; Sections 1,2,11,12,13, and 14, Township 20S, Range 25E; all lying within Lake County, Florida.

(3) Transportation Benefit District "C". All property located within the following: Township 18S, Range 24E; Township 19S, Range 24E; Township 20S, Range 24E; Sections 1-7, Township 21S, Range 24E; Township 18S, Range 25E; Township 19S, Range 25E less sections 25, 35 and 36; Township 20S, Range 25E less sections 1,2,11,12,13, and 14; Sections 6,7,18,19,30, and 31, Township 18S, Range 26E; Sections 6, 7 and 18, Township 19S, Range 26E.

**Section 8. Severability.** If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

**Section 9. Inclusion in the Code.** It is the intent of the Board of County Commissioners that the provisions of this

1 Ordinance shall become and be made a part of the Lake County Code  
2 and that the sections of this Ordinance may be renumbered or  
3 relettered and the word "ordinance" may be changed to "section",  
4 "article", or such other appropriate word or phrase in order to  
5 accomplish such intentions.  
6  
7

8 |       0Section 10.   Effective Date.   This ordinance shall become  
9 effective October 1, 2007.  
10  
11  
12

13 Enacted this \_\_\_\_ day of \_\_\_\_\_, 2007.  
14

15 Filed with the Secretary of State \_\_\_\_\_ 2007.  
16

17 Effective October 1, 2007.  
18  
19  
20

21 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

22  
23  
24  
25  
26 \_\_\_\_\_  
27 James C. Watkins, Clerk of the  
28 Board of County Commissioners  
29 Of Lake County, Florida  
30  
31

\_\_\_\_\_

Welton G. Cadwell, Chairman  
  
This \_\_\_\_ day of \_\_\_\_\_,  
2007.

32  
33 Approved as to form and legality:  
34  
35  
36

37 \_\_\_\_\_  
38 | Sanford A. Minkoff  
County Attorney